

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49939 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- DHORAIYA District- Banka

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Muni Devi @ Munni Devi W/o- Pramod Yadav Village- Baratikar Ps-
Dhoraiya Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Dhoraiya P.S. Case No. 229 of 2023 dated 15.08.2023,
lodged under Sections 302, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
six named accused persons including the present petitioner. The
allegation has been made in the FIR that the accused persons
have assaulted the informant's daughter due to which she
sustained injury on her head and subsequently, it came to the
knowledge of the informant that his daughter died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner is a lady aged about 53 years.



Counsel further submits that as per the allegation made in the FIR itself, the said assault has been made on 07.08.2023, but the FIR has been lodged on 15.08.2023. Counsel submits that the alleged deceased (informant's daughter) was suffering from illness i.e. epilepsy and she was under regular treatment which is apparent from prescription of 2019 (Annexure-2). Counsel submits that the said injury has been caused on 07.08.2023 is not the crime, rather, it is an unfortunate accident due to epilepsy and the family members of the petitioner have went to the hospital for treatment, but unfortunately, the deceased could not be saved.

5. Learned counsel for the petitioner further submits that the criminal antecedent of the petitioner is clean. Counsel also submits that two accused persons have been granted bail by this Court *vide* order dated 07.02.2024 passed in Cr. Misc. No.5408 of 2024.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail



bond of Rs.30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Dhoraiya P.S. Case No. 229 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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